

U. S. DEPARTMENT OF LABOR
Employees' Compensation Appeals Board

In the Matter of HERBERT HAAGER and U.S. POSTAL SERVICE,
POST OFFICE, Tampa, Fla.

*Docket No. 97-2503; Submitted on the Record;
Issued April 26, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury in the performance of duty on August 28, 1996 as alleged.

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment. There are situations where an injury or an illness has some connection with the employment but nevertheless does not come within the concept or coverage of workers' compensation. Where the disability results from an employee's emotional reaction to his regular or specially-assigned work duties or to a requirement imposed by the employment, the disability comes within the coverage of the Federal Employees' Compensation Act. On the other hand, the disability is not covered where it results from such factors as an employee's fear of a reduction-in-force or his frustration from not being permitted to work in a particular environment or to hold a particular position.¹

Appellant's claim concerned an August 28, 1996 incident in which his supervisor called him into her office and issued him a letter of warning. The issuance of a letter of warning is considered to be related to the employing establishment's administration of personnel matters, and is not covered under the Act unless error or abuse is shown.² There is no such showing in the present case. Although appellant alleged that the supervisor yelled or screamed at him, the supervisor specifically denied yelling at appellant. Appellant did not submit any evidence, such as a statement from the union steward who was present at the August 28, 1996 meeting in the supervisor's office, substantiating that verbal abuse by the supervisor occurred. Appellant thus has not established that such abuse actually occurred. There is also no evidence that the letter of warning was itself erroneous. The Office of Workers' Compensation Programs' January 21,

¹ *Lillian Cutler*, 28 ECAB 125 (1976).

² *Sharon R. Bowman*, 45 ECAB 187 (1993).

1997 and July 7, 1997 decisions were correct in finding that appellant did not sustain an injury in the performance of duty on August 28, 1996.

The decisions of the Office of Workers' Compensation Programs dated July 7, 1997 and January 21, 1997 are affirmed.

Dated, Washington, D.C.
April 26, 1999

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member